



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**COPY MAILED**

**JUN 23 2008**

SAWYER LAW GROUP LLP  
PO BOX 51418  
PALO ALTO CA 94303

In re Application of :  
Challener et al. : DECISION ON PETITION  
Application No. 10/733,055 :  
Filed: December 11, 2003 :  
For: RPSP920030164US1 :

This is a decision on the petition to expunge under 37 CFR 1.59(b), filed June 19, 2007.

The petition under 37 CFR 1.59(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.59(b)." This is not a final agency decision.

Petitioner requests that the Office expunge the terminal disclaimer filed on June 7, 2007 and June 18, 2007 to disclaim application numbers 10/733,591 and 10/733,592. Applicants attorney later realized that the respective applications are no longer assigned/owned by international Business Machine Corporation but to Lenovo Pte, Ltd.

In view thereof, petitioners request that the submissions dated June 7, 2007 and June 18, 2007 be expunged from the application file.

In accordance with 37 CFR 1.59(b), "[a]n applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided."

In accordance with MPEP 724.05, "[a] petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included."

The instant petition fails to satisfy items (B), (C), (D), and (E).

Accordingly, expungement of the documents filed June 7, 2007 and June 18, 2007 is not deemed appropriate, given the limited information provided in the petition..

It should further be noted that petitioner may wish to file a petition requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed June 7, 2007 and June 18, 2007 be withdrawn. Petitioner's request will be reviewed by the examiner who will determine whether examiner concurs with petitioner's arguments.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By hand delivery:

U.S. Patent and Trademark Office  
Customer Window, **Mail Stop Petition**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant  
Petitions Attorney  
Office of Petitions